

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION  
(PCT Rule 66)

To:

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Vancouver, British Columbia V6C 1S4  
CANADADate of mailing  
(day/month/year) 28.07.2004Applicant's or agent's file reference  
2339-101**REPLY DUE** within 3 month(s)  
from the above date of mailingInternational application No.  
PCT/CA 03/01534International filing date (day/month/year)  
03.10.2003Priority date (day/month/year)  
04.10.2002International Patent Classification (IPC) or both national classification and IPC  
G06F3/033Applicant  
HUMAN INTERFACE TECHNOLOGIES INC.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
  - I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.
 

**When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also:** For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.  
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 04.02.2005

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**I. Basis of the opinion**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

**Description, Pages**

1-12 as originally filed

**Claims, Numbers**

2-8, 10-16 as originally filed

1, 9 received on 29.04.2004 with letter of 26.04.2004

**Drawings, Sheets**

1/9-9/9 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1,2,4,8-10,12,13,16
Inventive step (IS)	Claims	3,5-7,11,14,15
Industrial applicability (IA)	Claims	

**2. Citations and explanations****see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. The following documents D1 to D5 are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: US 5528743 (TOU et al.) 18 June 1996

D2: EP 0689124 A (CANON) 27 December 1995

D3: US 5276794 (LAMB) 4 January 1994

D4: US 5220649 (FORCIER) 15 June 1993 \*

D5: "Free On-Line Dictionary Of Computing"; 3 December 2000 \*

\* refers to a document cited as evidence of the skilled person's general knowledge.

2. The application does not meet the requirements of Article 6 PCT, because claims 1 and 9 to 16 are not clear.
  - 2.1. Claim 1 merely describes that handwriting is recognized and how is it displayed by a computing device. This constitutes only a statement of the problem to be solved by the invention without indicating the means to solve the problem. Hence claim 1 is not clear.
  - 2.2. According to common standard used in field (See document D5), the term graphical user interface refers to a program more than to hardware. Hence, independent claim 1 should make clear whether it merely refers to a program suitable for controlling the "touchscreen hardware" or whether it refers to a system with touchscreen comprising means (possibly in form of software) for making the touchscreen to behave in a certain way.
  - 2.3. By using the expression "pen or stylus-operated", claim 1 seeks to define a first entity (namely a graphical user interface) by reference to a second entity (a pen or stylus) which is not part of the claimed entity. This gives rise to an ambiguity (see PCT International Examination Guidelines, III, 4.8a). Therefore the claim should be directed either to a system including the graphical user interface and the pen or stylus, or to a "pen or stylus -operable graphical user interface".

- 2.4. In claim 1, line 6 the term "conditioned" in relation with the sensing surface is obscure. It probably means "having *means for* hand entering and editing of graphical input symbols".
- 2.5. Method claims 9 to 16 merely describe how the graphical user interface of the present application operates. They should therefore be directed to an apparatus claim.
3. Independent claims 1 and 9, and dependent claims 2, 10 and 12 do not meet the requirements of Article 33(2) PCT because their subject-matter is not new with respect to each of documents D1 to D3.
- 3.1. Document D1 discloses a pen-based computer (10) as well as a method for inputting information to the computer (10) combining all technical features of independent claims 1 and 9, and dependent claims 1, 10 and 12 (see in particular figures 1 to 4 and accompanying text).

The pen-based computer (10) of D1 includes a sensing surface (see column 4, lines 16 to 20: the sensitive membrane of display assembly 20) conditioned for hand entering and editing of graphical input symbols (see column 5, lines 14 to 23; see also figure 2 and column 5, lines 54 to 55: the graphic object G entered on the note area 54a).

The sensing surface (20) has an area (see figure 2: the note area 54b) corresponding to a data input field.

The pen-based computer (10) also includes recognition software which analyses the graphical input symbols (see column 5, lines 26 to 29: the operative system and application programs) and generates the data to a display (20) to automatically superimpose and replace said graphical input symbols with a display field of character data corresponding to the graphical input symbols on the data input field (see column 5, lines 29 to 32; see also figures 3a to 3b and column 7, lines 59 to 66: when writing words on the screen, the recognized words are displayed on the same area of the display where the words were written; see also figure 4 and column 8, line 22 to column 9, line 11: the computer carries out an automatic detection and superimposing of the character data).

Hence D1 discloses in combination all technical features of claims 1, 2, 9, 10 and 12, whose subject-matter is therefore not new.

- 3.2. The subject-matter of claims 1, 2, 9, 10 and 12 is also known from D2 (see in particular Figures 1, 8A to 9B and accompanying text).

Document D2 describes a handwritten information processing apparatus (see column 1, line 19) for inputting information having a sensing surface (4) for entering graphical symbols (see column 1, lines 21 to 23: handwritten characters must necessarily be input on a surface; see also column 3, lines 35 to 39: the transparent coordinate input board). These symbols may also be edited (see column 1, lines 28 to 39).

The handwritten information processing apparatus includes a display (6) for displaying stroke information (see column 3, lines 50 to 56) and software (see column 1, line 20: the word processor) that superimposes the recognized input characters at the same position on the display (6) where the input operation was performed (see column 1, lines 19 to 26). ?

- 3.3. Furthermore, the subject matter of the above claims is also disclosed by D3 (see in particular figures 1 to 2B; column 1, lines 5 to 63; and column 3, lines 12 to 31).
4. The remaining dependent claims 3 to 8, 11, and 13 to 16, do not contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect to novelty (Article 33(2) PCT) or inventive step (Article 33(3) PCT).
- 4.1. The features added by claims 3 and 11 are rendered obvious by D4 (see figure 1 and column 6, lines 45 to 52). Those added by claims 4 and 13 are known from D2 (see column 1, lines 28 to 34: the "X" symbol initiates the action of deleting a word).
- 4.2. The additional features of claims 5 and 14 (entering a mode by contacting the display for a predetermined time) relate to a standard way to input data into a pen sensitive device (see e.g. D4, column 13, lines 41 to 44).

- 4.3. Those of claim 6 constitute an optimization of the value for the minimum amount of time necessary for entering the editing mode. The skilled person would seek to optimize this minimum amount of time taking into account all other constraints by a series of routine trials and measurements which do not involve the exercise of inventive skill.
- 4.4. The features added by claims 7 and 15 are standard in handwriting recognition systems (see e.g. D4, column 14, lines 6 to 9).
- 4.5. The additional features of claims 8 and 16 are known from D2 (see figures 9A and 9B and accompanying text: the words or character data are corrected without moving the pen or stylus outside the input field).
5. For the sake of completeness the following minor deficiencies are mentioned:
  - 5.1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the documents D1 to D5 are not identified in the description and the relevant background art disclosed therein is not at least briefly discussed.
  - 5.2. Contrary to the requirements of Rule 6.3(b) PCT, the independent claims are not properly drafted in the two-part form, with those features which in combination are part of the closest prior art (cf. document D1) being placed in the preamble.
  - 5.3. No reference signs in parentheses have been inserted in the claims to increase their intelligibility (Rule 6.2(b) PCT).
6. Because of the reasons stated in sections 1 to 5 above, claims 1 to 16 are not allowable. In view of the available prior art, it does not appear that any part of the application could serve as a basis for a new allowable claim. Thus, in the present case it would appear that a negative IPER should be issued.

Should the applicant nevertheless regard some particular matter as patentable, he is reminded that the application may not be amended in such a way that it contains subject-matter which extends beyond the content of the international application as filed (Article 34(2)(b) PCT).

In order to facilitate the examination of the conformity of the amended application with the requirements of Article 34(2)(b) PCT, the applicant is requested to clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion of passages of the international application as filed on which these amendments are based (see also Rule 66.8 (a) PCT).

If the applicant regards it as appropriate these indications could be submitted in handwritten form on a copy of the relevant parts of the international application as filed (Rule 66.8(b) PCT).